Appendix C

Selected Prototype and Operational Electronic Filing Systems

I. <u>Electronic Filing</u>: *receipt of electronic case documents and docket entries from attorneys.*

A. <u>U.S. Courts of Appeals</u>

1st Circuit and 2nd Circuit: These circuits have basic capability for the electronic exchange of data from district courts to the appellate court.

5th Circuit: The District Court of the Southern District of Texas has begun a trial project in which the court provides the imaged files of its cases on appeal to the Circuit on a mass storage (ZIP) disk.

8th Circuit: The Court of Appeals is accepting briefs and pleadings on diskette. The system administrator adds them to the court Bulletin Board System (BBS) for local court access only. It has initiated a pilot project (QED - Quick Electronic Documents) that allows electronic filing of documents, and has handled one case from start to finish using submissions on paper and electronic diskette. The court is posting all pleadings and court orders issued in a large multi- district litigation case on its bulletin board and the Internet page supported by Washington University Law School.

9th Circuit: The Court of Appeals has obtained a matching grant to start scanning in materials in death penalty cases for faxing and electronic mail (e-mail).

B. <u>U.S. District Courts</u>

Indiana Northern: The court uses an updated version of the LEXIS-NEXIS Complex Litigation Automated Docketing (CLAD) system as a secure, private data base controlled by the court for two large environmental litigations involving the State of Indiana. Court-authorized lawyers electronically file on CLAD through a court-issued password on a PC and modem. Files are accessed only by authorized users. The system also features a calendar function that allows users to view events scheduled for the cases. Fax notification of all parties is available as an option.

New Mexico (Advanced Court Engineering): The court plans to start accepting live pleadings over the Internet by the end of February 1997. Key features are attorney document linking (e.g. the attorney selects the motion being responded to by clicking on the radio button next to the appropriate motion), electronically filed exhibits, and Internet access to docket sheets which include

electronic filings merged with live ICMS (Integrated Case Management System) docket entries. The electronically filed entries in the docket sheet are hyperlinked to actual pleadings (the pleadings can be viewed on the Internet the moment they are filed) and motion packet documents are cross-referenced. Automatic docketing of electronic filings is planned for the near future. Key software components are PDF (portable document format), Netscape, ODBC (open database connectivity), and Visual C++. For more information, access the Internet at http://www.nmcourt. fed.us.

Ohio Northern (Maritime Asbestos): Beginning in January 1996, the court has been using a prototype system developed by the Administrative Office's Technology Enhancement Office. All documents filed in 1996 Maritime Asbestos cases are filed electronically via the Internet, with docket entries made by the attorneys. Forty law firms from around the country are actively using the system. The court has opened 4,500 cases and generated 20,000 documents and 100,000 docket entries. Volume declined somewhat due to dismissal of all the cases pending on May 3, 1996 -- although many are being refiled.   Documents are stored in portable document format (PDF). Some key software components are: Netscape network browser, Acrobat document formatter, PERL language, and Informix database. There is no linkage to ICMS.

Ohio Northern (DES litigation): The District Court also uses CLAD for several cases of drug litigation involving Eli Lilly, the drug manufacturer. Fax notification of documents filed exists as on option. Recently added to this system is a pending motions or motion history report.

Pennsylvania Eastern: The District Court was the original pilot site for the ELF (Electronic Filing) system that was first installed about 1989. The system allows attorneys to dial into the court's ELF system that runs on a 386 and upload pleadings in either an ASCII or WordPerfect 5.0 format. Users are required to register with the court and submit "signature documents" with their original handwritten signatures. When pleadings are received via ELF, they are reviewed, printed out, and a "signature document" is attached. The paper printout is then placed in the case file. The attorneys still must serve copies of the pleadings on other parties in the case via conventional U.S. Mail. The volume of pleadings is low (8-10 documents per day).

C. U.S. Bankruptcy Courts

California Eastern and New Mexico (Petitions): These courts plan to accept electronic petition data in EDI format and use that data to automatically open cases in the BANCAP (Bankruptcy Court Automation Project) electronic docketing and case management system. Initially data will be submitted on diskette, but the process will then be changed to have the data transmitted electronically.

Idaho: The Bankruptcy Court (district court and bankruptcy court administration are combined in this district) initiated an electronic case files program that would permit filing by electronic means and management of those files within the court.

Minnesota: The Bankruptcy Court is developing a preliminary design report for the court's Electronic Data Base Management System, a "fully-integrated" system that combines electronic filing and imaging with case management and reporting functions. The report should be available in late December 1996.

New York Southern (Bradlee's Case): The court uses a prototype system, WestFile, from West Publishing. The system is based on Lotus Notes. All documents filed in this case are filed electronically through direct dial-in to the system, which is located in Minneapolis, Minnesota. Attorneys make the docket entries. There is no linkage to ICMS.

New York Southern (Macy's Case): All documents filed in this case are filed electronically through direct dial-in to the system which is located in Dayton, Ohio. Attorneys make the docket entries. The court uses the CLAD system from LEXIS-NEXIS. There is no linkage to ICMS. CLAD has also been used in a mass torts case in the Northern District of Ohio, a case in the Northern District of Indiana, and a number of state court cases (see part III., "Commercial Services").

New York Southern (XXXXX Case): The Bankruptcy Court of the Southern District of New York, working with the Administrative Office, implemented an enhanced version of the Ohio-Northern prototype. The new system, with more robust case management capabilities, began live operation in November 1996. There are currently 275 events in the dictionary, 10 reports will be initially available, the entire case file will be in electronic form (imaging will also be used). Chambers will be actively involved with the system and will enter orders. There is a calendaring component.

Texas Western: The Bankruptcy Court has developed the capability for fax filing and imaging, scanning of briefs into a data base, forms generation from bench, and a CD-ROM library for research.

D. State and Local Courts

Delaware: CLAD is in use at Delaware Superior Court for insurance coverage and asbestos cases. The system is operated by the LEXIS-NEXIS Private Database Division, which stores data collections for corporations, law firms, and allows customers to conduct full-text searches

of data_. The system is offered free to the court and all court personnel and is paid for (in essence) by the parties in the cases (see part III., "Commercial Services").

Jefferson County 58th District Court, TX: The court accepts only electronic filing for a breast implant mass tort case. Using software developed by LAWPlus of Beaumont, Texas, the system links law firms, judges, and the district clerk. Documents are filed and distributed by computer, with time of receipt recorded for each transmission. Subscribers pay an installation fee, training fee, and per month usage fees. The system is free to the court. Firms which do not opt to subscribe to the LAWPlus system from their office can use the public access terminal in the clerk's office.

Los Angeles County Superior Court, CA: The Probate Court uses services and software from Ameritech's CivicLink product line. Implemented on-line in October 1995, the court's system accepts electronic (PDF) filings from participating attorneys, accepts imaging, tracks calendar and notes for attorneys thru an e-mail component, and allows remitting of funds to the court electronically. The system also forwards documents in encrypted format. The previous two years' filings have been "back-filled" into the system. The system handles 75,000 documents per year.

Michigan State Courts: The state administrative office is developing a demonstration project in Michigan for the Supreme Court. One of the outcomes will be an electronic filing capability that can be replicated throughout the state. Court staff are hoping to accomplish this through the home page on the Internet (http://nt.lawtech.com/courts/—still under construction).

Missouri State Courts: The objective of the Missouri Courts' Electronic Courts 2004 (EC/2004) project is to establish the services and activities necessary to systematically plan and build an electronic network and collection of application solutions connecting courts. An automated court system will link all Missouri courts with each other, with other agencies in Missouri and, ultimately, with agencies across the nation. In many cases, lawyers, private citizens, and participants in the judicial process will be able to access court information without visiting the courthouse. Litigants and their legal counsel will be able to file documents electronically, and the burdens of storage will be alleviated and eventually eliminated.

Orange County Superior Court, CA: The Superior Court has conducted limited electronic filing since the beginning of 1996 for family law, and is backfilling at least two years using imaging. (Has had imaging for Probate Court for some years.)

Prince George's County, MD: The District Court accepts electronic filings from various participating attorneys. The court uses a prototype system, Justice Link, from Andersen Consulting. The system is based on Lotus Notes. Funding issues have slowed progress.

Snake River Basin Adjudication, District Court, Idaho: The court uses forms software called Liberty Forms, developed by Delrina and AT&T Global Information Systems, Electronic Forms Group (AT&T), and includes two parts--designer and filer. The designer allows court staff, including nonprogrammers, to develop forms, while the filer allows users to use these forms. Liberty forms are AT&T mail-enabled and run on a personal computer in a Windows environment. The court uses two standard forms developed by AT&T engineers--an objection form (initial pleading) and a response form (answer). The court developed a third multipurpose form for filing briefs, motions or other pleadings.

Utah State Courts: The state administrator's office has designed an information system that automatically (1) receives signed criminal case file documents via e-mail, (2) checks each such document for conformity to court requirements, (3) updates the court database with data extracted from the document, (4) adds the document to an electronic case file, and (5) responds with a return mail message to the sender reporting the actions taken. As of August 1996 the system exists as a working prototype (using a test data base and filings) at the Court Administrator's office. Loss of key internal resources, reduced sponsorship from elected county prosecutors, and slower-than-expected implementation of electronic signature legislation have prevented full-scale operations. [The design of this system has been adopted by Orange County, California.]

Washington State Courts: A limited ECF pilot project was terminated in 1991.

E. **Other Federal Government**

Internal Revenue Service: The agency offers "On-Line Filing" of personal tax returns to those who subscribe to an approved on-line company or transmission agency for transmission of the tax return. It also requires using an IRS-accepted software package, although the IRS does not endorse specific software. The IRS will notifies the taxpayer, through the on-line service company or transmitting agency, whether the return is accepted or, if not, which items need correction. Companies offering this service may, at their discretion, charge an additional fee for transmission. After acceptance of the return, taxpayers must sign and mail Form 8453-OL, "U.S. Individual Income Tax Declaration for On-Line Service Electronic Filing," (a signature form that can be printed from the software package or supplied by vendor). Taxpayers must also attach W-2 copies to Form 8453-OL, and other supporting documents and mail it to the listed address. This method can result in direct deposit of refunds in about three weeks.

Nuclear Regulatory Commission: In 1982, the NRC began experimenting with full text management systems. The agency uses the Personal Librarian Software (PLS) to index text in case file documents. PLS returns search results ranked in order based on frequency of the search terms found in the documents. The NRC has been working on an electronic filing project; plans are to

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use a VAN for processing documents. Header information will be submitted in X.12 transaction format, and text will either be submitted electronically or scanned into electronic format by the clerk's office.

Patent and Trademark Office: The Office is developing a pilot program for eventual electronic filing of patent documents. Emphasis is on commercial off-the-shelf (COTS) software. The first effort, which may begin in FY 1997 will involve HGML (Hypertext General Markup Language) coding of documents to allow attorney-examiner use of contents. Diskette input only at this stage. The second phase will be to find a compatible document management system for office-wide use. And subsequently, the pilot will allow filing of documents through the Internet. Additionally, PTO has established a Committee for Legal Aspects of Electronic Records.

Securities and Exchange Commission: The filing system, EDGAR (Electronic Data Gathering Analysis and Retrieval), performs automated collection, validation, indexing, acceptance, and forwarding of submissions by companies and others required by law to file forms with the Securities and Exchange Commission. A phase-in period was completed and the SEC is no longer accepting paper filings of most of its forms. Although EDGAR is DOS-based, the data base is linked to the Internet thru a World Wide Web (WWW) site for searches by registered users.

Social Security Administration: Almost all briefs prepared by SSA for litigation by U.S. Attorneys are prepared and submitted electronically to the U.S. Attorneys' offices using the Justice Department's internal e-mail capability. SSA has Internet access but no documents are currently filed electronically in federal courts. The agency's Associate General Counsel for Litigation is considering establishing a liaison with the federal courts to explore electronic or videotape submission of hearing records.

U.S. Postal Service: Through contracts with computer firms, USPS is developing a series of "first-class mail" electronic commerce services. These e-mail services will include electronic postmarking (date and time stamp), encryption, return receipt, certified, registered, verification of sender and recipient, and archiving services. The electronic postmark is being tested by 20 organizations, including law firms, hospitals, and banks. USPS contemplates using its postal inspectors to investigate tampering with electronic messages.

F. Private Sector Organizations

JEDDI (Judicial Electronic Data and Document Interchange) Foundation: A nonprofit corporation originally assisted by the National Center for State Courts (NCSC), JEDDI is composed of judges, court administrators, lawyers, and others connected with state and federal court sys-

tems to pursue and promote the establishment of national standards for computers in state and federal courts, particularly electronic filing.

II. **Document Imaging:** *Receipt of paper documents from attorneys, followed by court scanning into image format.*

A. **U.S. Courts of Appeals**

4th Circuit: The Court of Appeals has submitted a matching grants proposal to scan attorney admission records and make this process more automated.

B. **U.S. District Courts**

Texas Southern: Digital scanning in the Southern District of Texas focuses on noticing and storage of orders signed by judges. All images are stored on a fixed disk and retrieved using the associated case number with linkage to an ICMS docket report. For noticing, the scanning clerk transmits the order image via fax modems to the appropriate attorneys' offices, or where fax modems are not available, to printers for mailing. The court uses locally developed software.

C. **U.S. Bankruptcy Courts**

Kansas: The Bankruptcy Court has developed a full imaging system (all documents received in the court, including claims) which links to the BANCAP docket and claims register. Queries to a case are able to retrieve all related documents. Images are named and stored on fixed disks by case year, document type, and case/document number using commonly-available (Windows environment) file management software. Images and files are available for printing, personal working copies, or transfer via e-mail.

Oklahoma Western: The Bankruptcy Court has developed a system in which incoming documents are scanned and images stored into a database with linkage to an ICMS docket report. Judges, attorneys, and clerks can easily access print, or e-mail the documents. Remote dial-in capability has been added. The court uses software developed by a contractor, and that contractor is now working with several other bankruptcy courts.   Software is transferable to other types of courts with minor modifications.

D. State and Local Courts

Oregon State Courts: The National Center for State Courts evaluated the Oregon Judicial Imaging System, a pilot project for a fully-integrated Judicial Information network. The NCSC's report (1993) attempts a structured cost-benefit analysis. Results were inconclusive, due to the small size of the pilot project and the fact that a parallel paper system continued to be used.

Riverside County, CA: The county government has established a document management system for filings in any case. Documents may be submitted at any county location of the system. Key information is entered along with the image, including the case number, the name of the filer, and the type of document. Notification of the filing is routed to the proper court, and the image is also shipped to an optical jukebox for permanent storage. Access to images is made through public terminals. Scans are presently limited to civil cases, but the system will be expanded to include all other courts using the document management system

E. Other Federal Government

Department of Veterans Affairs: The Austin Finance Center engages in Electronic Data Interchange for funds transfer and optical imaging for document management. Once documents are scanned into its Document Management System, the images are available at the desktop for further processing, including (1) data input from the image directly into the payment system— still under construction, (2) transmittal to vendors from desktop via fax, and (3) document archiving for storage and retrieval.

III. Commercial Services

Ameritech: This communications company is seeking a major role in the market using its Civic-Link local government services for remote access.

Andersen Consulting (JusticeLink): The firm has shared development effort of the JusticeLink prototype with Prince George's County, MD. (May start a second prototype in California.)

LawPlus, Beaumont Texas: The law office systems consulting firm has developed an ECF service for the Jefferson County, Texas courts for mass torts and complex case filing.

LEXIS-NEXIS, Complex Litigation Automated Docket (CLAD): This ECF system is in essence a private data base set aside on Lexis computers for use by specified courts. The system features include electronic filing, noticing, event tracking, date-time stamping, full-text searching,

and password protection of documents. Various versions of CLAD are in use in a number of state courts (Delaware; Cuyahoga County Common Pleas Court, Ohio; State Court of Fulton County, Georgia; Ramsey County , Minnesota; Cook County Circuit Court, Illinois) and a few federal courts (Northern District of Indiana, Northern District of Ohio, and Southern District of New York (Bankruptcy Court)).

Wade Systems, Inc.: Oklahoma City developers of the imaging and document management system (PC-DIMS) being used at the Bankruptcy Court for the Western District of Oklahoma. The firm is developing a WWW-based remote public access and inquiry method (WEB-RACER) and eventual electronic case document filing using the Internet. Several other bankruptcy and district courts have expressed interest in the basic system, including those in the District of Maryland, Southern District of California, Northern District of Illinois, District of Idaho, District of Nevada, and Eastern District of North Carolina.

West Publishing (WestFile): This ECF system exists as a prototype in one court, Southern District of New York (Bankruptcy Court), for one large bankruptcy case.